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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,))
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES))
FOR THE STATE OF OKLAHOMA,)
)
Plaintiff,)
)
vs.) 4:05-CV-00329-TCK-SAJ
)
TYSON FOODS, INC., et al,)
)
Defendants.)

- - - - -

THE VIDEOTAPED DEPOSITION OF
GORDON JOHNSON, PhD, produced as a witness on
behalf of the Defendants in the above styled and
numbered cause, taken on the 4th day of February,
2008, in the City of Tulsa, County of Tulsa, State
of Oklahoma, before me, Lisa A. Steinmeyer, a
Certified Shorthand Reporter, duly certified under
and by virtue of the laws of the State of Oklahoma.

1 (Whereupon, the deposition began at
2 9:04 a.m.)

3 VIDEOGRAPHER: We are now on the Record for
4 the deposition of Dr. Gordon Johnson. Today is
5 February 4th, 2008. The time is 9:05 a.m. Would 09:04AM
6 counsel please identify themselves for the Record?

7 MR. NANCE: Bob Nance for the State of
8 Oklahoma, being joined shortly by Trevor Hammons
9 also for the State of Oklahoma.

10 MR. BASSETT: Woody Bassett for George's, 09:04AM
11 Inc. and George's Farms, Inc.

12 MR. SANDERS: Bob Sanders for the Cal-Maine
13 defendants.

14 MR. BOND: Michael Bond for the Tyson
15 defendants. 09:04AM

16 MS. SOUTHERLAND: Leslie Southerland for
17 the Cargill defendants.

18 MR. McDANIEL: Scott McDaniel representing
19 Peterson Farms, Inc.

20 MS. GRIFFIN: Jennifer Griffin for Willow 09:05AM
21 Brook Foods on the telephone.

22 VIDEOGRAPHER: Thank you. The witness may
23 be sworn in.

24 GORDON JOHNSON, PhD,
25 having first been duly sworn to testify the truth,

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1 the whole truth and nothing but the truth, testified
2 as follows:

3 DIRECT EXAMINATION

4 BY MR. McDANIEL:

5 Q Would you state your full name for the Record, 09:05AM
6 please, sir?

7 A Gordon Vernon Johnson.

8 MR. NANCE: Mr. McDaniel, do I understand
9 correctly that we've agreed to reserve objections
10 except to the form of the question until the time of 09:05AM
11 trial?

12 MR. McDANIEL: That's correct.

13 MR. NANCE: Thank you, sir.

14 Q All right. Mr. Johnson, you heard me
15 introduce myself. My name is Scott McDaniel, and I 09:05AM
16 represent Peterson Farms, Inc., one of the
17 defendants in the case.

18 A Yes.

19 Q Have you ever given a deposition before, Dr.
20 Johnson? 09:05AM

21 A Yes.

22 Q How many times?

23 A Oh, probably fifteen or twenty times.

24 Q Really? When was the last time?

25 A Well, I don't know when the last deposition -- 09:05AM

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1 put it down. I'm saying they're allowed to put it
2 down.

3 A Right.

4 Q All right. So the cutoff under the current
5 Code 590 is 300 STP. In your opinion it should be 11:06AM
6 65?

7 A That's correct.

8 Q Under your criteria a field that tests at 66
9 STP should not have any poultry litter applied;
10 correct? 11:07AM

11 A Correct, in a phosphorus limiting watershed.

12 Q All right. Well, what's -- we're talking
13 about the Illinois River watershed.

14 A Right, yeah.

15 Q All right. Now, Table 9 under the NRCS Code 11:07AM
16 590 allows -- would allow litter on that 66 STP
17 field depending on site-specific criteria?

18 A Yes.

19 Q So would you agree, Dr. Johnson, that this
20 NRCS standard adopted by Oklahoma is an 11:07AM
21 environmental threshold rather than an agronomic
22 threshold for poultry litter utilization?

23 A No.

24 MR. NANCE: Objection, calls for a legal
25 conclusion. 11:07AM